

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: ETHICON PHYSIOMESH : MDL DOCKET NO. 2782
FLEXIBLE COMPOSITE : CIVIL ACTION NO.
HERNIA MESH PRODUCTS : 1:17-MD-02782-RWS
LIABILITY LITIGATION :
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This document relates to:

Juniya Yaguru, Individually and O/B/O the Estate of Cornelius Yugwa v.

Ethicon, Inc., et al

Civil Action No.: _____

SHORT FORM COMPLAINT

Come now the Plaintiff(s) named below, and for their Complaint against the Defendants named below, incorporate the Master Complaint in MDL No. 2782 by reference. Plaintiff(s) further show the court as follows:

1. Plaintiff Implanted with Physiomesb

Cornelius Yugwa

2. Plaintiff's Spouse (if applicable)

Juniya Yaguru

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

Juniya Yaguru, Wrongful Death Beneficiary

4. State of Residence and Citizenship of each Plaintiff (including any Plaintiff in a representative capacity) at time of filing of Initial Complaint

TN

5. State of Residence and Citizenship at the Time of Implantation

TN

6. District Court and Division in which personal jurisdiction and venue would be proper absent direct filing.

United States District Court for the District of New Jersey

7. Defendants (Check Defendants against whom Complaint is made):

☒ A. Ethicon, Inc.

☒ B. Johnson & Johnson

8. Basis of Jurisdiction

☒ Diversity of Citizenship (28 U.S.C. § 1332(a))

☐ Other: _____

- A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

11-13

B. Other allegations of jurisdiction and venue:

N/A

9.

Date(s) Plaintiff was Implanted with Physiomesh (list date of each implant surgery, where applicable, on separate line)	Hospital(s) where Plaintiff was implanted with Physiomesh (include City and State of Hospital)	Implanting Surgeon(s)
04/07/2011	Southern Hills Medical Center Nashville, TN	Suhail Allos, MD

10. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I – Strict Product Liability – Defective Design
 - ☒ Count II – Strict Product Liability – Failure to Warn
 - ☒ Count III – Strict Product Liability – Manufacturing Defect
 - ☒ Count IV – Negligence
 - ☐ Count V – Consumer Protection Laws (Please identify applicable State Consumer Protection law(s) and state any additional facts and legal basis for application of State Consumer Protection law(s) in this case)
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- ☒ Count VI – Gross Negligence
- ☒ Count VII – Loss of Consortium
- ☒ Count VIII – Punitive Damages
- ☒ Count IX – Discovery Rule, Equitable Tolling/Estoppel (Please state any additional facts and legal basis for Discovery Rule and Tolling below)

Despite diligent investigation by Plaintiff into the cause of her injuries, including consultation with Plaintiff's medical providers, the nature of Plaintiff's injuries

and damages, and their relationship to Physiomesh was not discovered, and through reasonable care and due diligence could not have been discovered, until a date within

the applicable statute of limitations for filing Plaintiff's claims. Defendant is estopped from asserting a statute of limitations defense due to Defendant's fraudulent

concealment, through affirmative misrepresentations and omissions, from Plaintiff's physicians of the true risks associated with Proceed.

☒ Other Count(s) (Please state factual and legal basis for other claims not included in the Master Complaint below):

Wrongful Death: Decedent Cornelius Yugwa suffered complications from the failure
of the Physiomesh Flexible Composite mesh. Such complications were the
proximate cause of Mr. Yugwa's death

☒ Jury Trial is Demanded as to All Counts

☐ Jury Trial is NOT Demanded as to Any Count

s/ Adam M. Evans

Attorney(s) for Plaintiff

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